

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/625,539
Atty Docket No.: Q76566

REMARKS

The Office Action of March 17, 2005 has been received and its contents carefully considered.

Claims 1 to 20 are all the claims pending in the application, prior to the present amendment.

The Examiner states that the oath or declaration is defective because the present divisional application was filed with a copy of the original executed Declaration that was filed in the parent application, and not with the Substitute Declaration that was later filed. The Examiner requires a new oath or declaration.

In response, applicants enclose herewith a copy of the Substitute Declaration from the parent application.

The Examiner objects to the abstract and requires that a new abstract be submitted to correct a number of formal points.

In response, applicants have presented a new abstract as set forth above to comply with the Examiner's request.

Claims 11-13 have been rejected under the second paragraph of 35 U.S.C. § 112 as indefinite.

The Examiner states that in claim 11, there is no antecedent basis for R₁₁ and R₁₂. The Examiner states that if she assumes that Q, as shown in claim 10, is the combination of R₁₁ and

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R_{12} , then claim 11 does not further limit claim 10. The Examiner suggests canceling claim 11, and amending claim 12 to depend from claim 10.

In response, applicants have canceled claim 11 and amended claim 12 to depend on claim 10 instead of claim 11, as proposed by the Examiner.

In Paragraphs 6 to 8 of the Office Action, the Examiner sets forth the following three rejections.

Claims 10, 11, 14, 18 and 19 have been rejected under 35 U.S.C. § 102(b) as anticipated by Denny et al.

Claims 10-12 and 18-20 have been rejected under 35 U.S.C. § 102(b) as anticipated by the 1983 Krasovitskii et al article, which is abstracted in 1984:6392HCAPLUS that the Examiner has attached.

Claims 10, 11 and 18-20 have been rejected under 35 U.S.C. § 102(b) as anticipated by the Krasovitskii article that appears in the 1983 HCAPLUS abstract.

Applicants submit that the cited documents do not disclose or render obvious the subject matter of the presently amended claim 10 and the claims dependent therefrom.

The present invention as set forth in claim 10 as amended above is directed a compound represented by formula (IIA). Applicants have amended claim 10 by deleting “a hydrogen atom” from the definition of R_{13} , by defining that L_1 represents a single bond, alkenylene, alkynylene or

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divalent aromatic heterocyclic group, by deleting R₁₃ from the phrase “R₁₃, R₁₄, R₁₅, R₁₆ and R₁₇”, and by changing the phrase “R₁₃ to R₁₇” to “R₁₄ to R₁₇”.

Applicants submit that Denny et al and Krasovitskii et al do not disclose or suggest the subject matter of claim 10 as amended above.

In view of the above, applicants request withdrawal of these rejections.

In Paragraphs 9 to 12 of the Office Action, the Examiner sets forth the following four rejections of the claims.

Claims 1, 2 and 5-9 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,379,823 to Nii et al.

Claims 1, 2, 8 and 9 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,458,474 to Okada et al.

Claims 1-15 and 18-20 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,440,586 to Yanagi et al.

Claims 1,2 and 7-9 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,537,687 to Nii et al.

In response to these rejections, applicants have amended claim 1 as set forth above by incorporating the subject matter of claim 5 into claim 1 to recite that L₁ is selected from the group consisting of a single bond, alkylene, alkenylene, alkynylene, arylene and divalent-heterocyclic group.

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Applicants submit that the cited documents do not disclose or suggest the definition of L₁ in amended claim 1.

Further, with respect to the rejection of claims 10 to 15 and 18 to 20 based on Yanagi et al, applicants submit that Yanagi et al do not disclose or suggest the combination of the definitions of R₁₃ and L₁ in claim 10 as amended above.

In view of the above, applicants request withdrawal of these rejections.

Claims 16 and 17 have been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,440,586 to Yanagi et al.

In response, applicants point out that claims 16 and 17 depend from claim 10. As discussed above, Yanagi et al do not disclose or suggest the combination of the definitions of R₁₃ and L₁ in claim 10 as amended above

In view of the above, applicants request withdrawal of this rejection.

Claims 1-20 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent 6,440,586 to Yanagi et al.

In response, applicants enclose herewith a Submission of Terminal Disclaimer together with a signed Terminal Disclaimer and the appropriate fee.

In view of the above, applicants request withdrawal of this rejection.

The Examiner sets forth a number of typographical errors in the claims. Applicants have corrected these errors as set forth in the above amended claims.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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